

REMARKS

This is a response to the final Office Action mailed on October 6, 2009.

Claims 1, 2, 5, 13-15 and 23 are amended, claims 3, 6-12 and 17-21 are cancelled and claims 26-29 are new. No new matter is presented. Example support for the claims is as follows: claim 1 (Fig. 1, POP1-3, Fig. 4 POPs 46, p.5, lines 18-20, p.6, lines 5-7), claim 26 (p.5, lines 20-21, Fig. 4 - note two antenna masts each for receive antenna apparatus 43, and for receive antenna apparatus 44), claims 27 and 28 (p.4, lines 19-21, p.6, lines 20-22) and claim 29 (Fig. 4, note an optical fiber coupled to two receive antenna masts of receive antenna apparatus 43, and another optical fiber coupled to two receive antenna masts of receive antenna apparatus 44).

Rejection under Ishikawa and Reed

Claims 1, 2, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ishikawa (US 5,640,678) in view of Reed (US 5,634,206). Applicants respectfully traverse the rejections. In Figs. 1 and 6, Ishikawa provides a system in which a macrocell includes multiple microcells, each having one antenna. The antenna which receives the highest signal level can be selected, based on a received signal level measuring circuit 7 (Fig. 6). Further, handoff between macrocells is possible. However, referring to Applicants' claim 1, *the macrocell of Ishikawa is not a point of presence*. On the other hand, if, *arguendo*, each microcell is considered to be a point of presence, Ishikawa clearly does not provide a switch system which selects a micro-diversity channel each point of presence from among at least two micro-diversity channels from each point of presence, and select a macro-diversity channel from among the selected micro-diversity channels. Ishikawa at Fig. 2 provides space diversity within a microcell. Within the microcell, the higher measured signal level determines which antenna is used to communicate with the mobile terminals (col. 8, lines 27-36). However, there is no disclosure or suggestion of selecting a macro-diversity channel from among selected micro-diversity channels of each point of presence of multiple points of presence.

Reed is cited as showing macro-diversity based on handoff between cells and micro-diversity based on selection of one of two receive antennas 110 and 115 (Fig. 3). However, *modifying Ishikawa in view of Reed would result in a system which performs macro-diversity between macro-cells which each have many points of presence, but not a system which performs macro-diversity across multiple points of presence*. In contrast, Applicants' claim 1 selects

among micro-diversity channels of each of two or more points of presence. Based on the results of the micro-diversity selection, a macro-diversity selection is then made. Claims 1, 2 and 16 are therefore clearly patentable.

Rejection under Ishikawa, Reed and Toshimitsu

Claims 4, 5, and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ishikawa in view of Reed and further in view of Toshimitsu (US 2001/0004604). Toshimitsu is cited for providing transmission and reception of RF signals to wireless terminals according to respective protocols that are used by the wireless terminals. However, regarding claim 4, there is no disclosure or suggestion of using different wireless LAN protocols. Clarification of the rejection is requested.

Claim 13 sets forth that, for each point of presence, first and second E/O converters are associated with first and second receive antennas, respectively. Further, for each point of presence, the first and second E/O converters are coupled via respective optical fibers to a common optoelectronic port. Toshimitsu at Fig. 4 provides, for a base station 10n-1, an E/O converter 50a for a receive antenna 52a, and an E/O converter 50b for a receive antenna 52b. *However, there is no common optoelectronic port as claimed.* Instead, the E/O converters have independent optical fiber paths. Applicants' system requires less hardware than Toshimitsu's base station.

Rejection under Ishikawa, Reed and Diener

Claims 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ishikawa in view of Reed and further in view of Diener (US 2004/0047324). Diener is cited for providing a network interface card. These claims are patentable at least by virtue of their dependence on claims 1.

New claims

Claim 26 sets forth that, for each point of presence, diversity reception is provided for both a first frequency band according to a first wireless LAN protocol, using first and second receive antennas, and for a second frequency band according to a second wireless LAN protocol, using third and fourth receive antennas. The cited art fails to disclose or suggest this feature. For example, while Ishikawa at Fig. 2 provides space diversity within a microcell, there is no disclosure or suggestion of the use of different frequency bands and wireless LAN protocols as claimed. Claims 27 and 28, which depend on claim 26, are similarly patentable. Claim 29 is

patentable for similar reasons as claim 13.

Conclusion

Based on the above amendments and these remarks, reconsideration of the claims is respectfully requested. The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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